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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,701	09/23/2003	Jeff Stewart	MIME-0001DIV	2190
23550 7590 07/15/2008 HOFFMAN WARNICK LLC 75 STATE STREET 14TH FLOOR ALBANY, NY 12207				
EXAMINER GARCIA, GABRIEL I				
ART UNIT 2625		PAPER NUMBER		
NOTIFICATION DATE 07/15/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOCommunications@hwdpatents.com

Office Action Summary

Application No.

10/668,701

Applicant(s)

STEWART ET AL.

Examiner

GABRIEL I. GARCIA

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Part III DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 24-28, 30-39, and 41-47 are still rejected under 35 U.S.C. 102(e) as being anticipated by Vidyanand (6,967,728).

With regard to claim 24, Vidyanand teaches a method of previewing (see figs. 5-10 and col. 7, lines 61-67) a document, comprising: selecting a print driver (e.g. figs. 5-8, and col. 7, lines 32-44) (any client of fig. 1); generating a print file based on the document using the selected print driver (e.g. fig. 8, and col. 7, lines 32-44); transmitting the print file to a server over a network (see figs. 2,4 and 15 and col. 5, lines 45-64); receiving image data on the client over the network, the image data being based on the transmitted print file (e.g. col. 5, lines 24-64 and col. 8, line 59 thru col. 9, line 52); and displaying the image data in an interface at the client based on the transmitted print file (e.g. reads on figs. 5-10, and col. 7, lines 61-67).

With regard to claim 25, Vidyanand further teaches wherein the selecting step includes: displaying a list of print drivers on the client; and choosing a desired print driver (e.g. figs. 5-8, and col. 7, lines 32-44).

With regard to claim 26, Vidyanand further teaches obtaining the print driver (e.g. figs. 5-8, and col. 7, lines 32-44, and fig. 8, and col. 7, lines 32-44).

With regard to claim 27, Vidyanand further teaches obtaining step includes transmitting the print driver to the client over the network (reads on fig. 1-10) .

With regard to claim 28, Vidyanand further teaches creating the document using an application installed on the client (e.g. fig. 8).

With regard to claim 30, Vidyanand further teaches verifying the print driver before the transmitting step (e.g. figs. 5-8, and col. 7, lines 32-44, and fig. 8, and col. 7, lines 32-44).

With regard to claim 31, Vidyanand further teaches selecting file information associated with the print file using the interface (e.g. figs. 1-8).

With regard to claim 32, the limitations of claim 32 are covered by the limitations of claim 24 above; and Vidyanand further teaches the upload manager (reads on fig. 9 for transmitting the print file (e.g. col. 7, lines 32-44, and fig. 8, and col. 7, lines 32-44).

With regard to claim 33, Vidyanand further teaches a version manager for verifying the print driver before transmitting the print file ((e.g. figs. 5-8, and col. 7, lines 32-44, and fig. 8, and col. 7, lines 32-44).

With regard to claim 34, Vidyanand further teaches an application for creating the document, wherein the application is installed on the client (reads on figs 1-10).

With regard to claim 35, Vidyanand further teaches a wide area network, and the Internet (e.g. fig. 3).

With regard to computer program claims 36-39 and 41-42, the steps of the computer claims 36-39 and 41-42 read on the steps of the method claims 24,25,27-31 are describe above. The method steps of claims 24,25 and 27-31 can be program and store in the memory (208,209 or 232) of Vidyanand to create computer programs of claims 36-39 and 41-42.

With regard to claim 43, Vidyanand further teaches wherein the print file comprises a postscript file (see col. 9, lines 53-67).

With regard to claims 44-46, Vidyanand further teaches selecting a finishing option (e.g. binding) for the document, wherein the image data is further based on the selected finishing option (reads on fig. 9).

With regard to claim 47, the limitations of claim 47 are covered by the limitations of claim 43 above.

With regard to claim 48, Vidyanand further teaches generating is performed without selecting a printer (e.g. fig. 8, and col. 7, lines 32-44).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 29 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vidyanand (6,967,728) as applied to claims 24 and/or 32 above, and further in view of Grohs et al. (2001/0043753).

With regard to claim 29, Vidyanand teaches the communication of data between the client and printer (see fig. 1), but fails to explicitly teach compressing the print file before transmitting step. However, Grohs et al. (in the same field of endeavor “data processing” teaches that it is well known in the art to compress the print file before transmitting it [0032]. Therefore, it would have been obvious to one of ordinary skill in the art to provide the system of Vidyanand with the ability of compressing the data as taught by Grohs et al. because of the following reasons; 1) as suggested by Grohs et al. in paragraph [0032]. To reduce time and resources, and 2) to allow the system of Cooper et al. to send the data a lot faster by compressing large files before transmitting them.

With regard to computer program claim 40, the steps of the computer Claim 40 read on the steps of the method claim 29 above. The method steps of claims 40 can be program and store in the memory (208,209 or 232) of Vidyanand to create computer programs of claims 40.

Conclusion

3. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

4. Applicant's arguments with respect to pending claims have been considered but arguments are not found to be persuasive. With regard to Applicant's argument that Vidyanand does not teach generating a print file based on a document using a selected driver. Examiner asserts that Vidyanand teaches generating a print file based on a document using a selected driver (e.g. fig. 8, and col. 7, lines 32-44). Clearly fig. 8 depicts how a user can generate a file by creating a new file and by applying the print driver to the application creating the file as describe in col. 7, lines 32-44, the user can prepare the file that can be understood by a printer and it can be preview before it is send to the printer (see fig. 9 depicts how the file to be send to the printer is preview before it is send to the printer. Else the file to be printed has to be converted to setting (or print .driver) so that the print file can be understood by the printer.

With regard to Applicant's argument that Vidyanand does not teach transmitting the print file to a server over a network. Examiner disagrees with Applicant's conclusion. Examiner asserts that .Vidyanand teaches transmitting the print file to a server over a Network (see figs. 2,4 and 15 and col. 5, lines 45-64). Clearly figs 2,4 and 15, depict how a user can generate a print job using a selected print driver or printer at the host

computer 12a and send the print file to a server for storage or printing. Col. 5, lines 45-64 describe how the host computer creates the print job by using the print preference that allow the user to send the file to a network printer thru a server as depicted in figs 2,4 and 15.

With regard to Applicant's argument that Vidyanand does not teach receiving image data on the client over the network, the image data being based on the transmitted print file. Examiner disagrees with Applicant's conclusion. Examiner asserts that .Vidyanand teaches receiving image data on the client over the network, the image data being based on the transmitted print file (e.g. col. 5, lines 24-64 and col. 8, line 59 thru col. 9, line 52). Clearly col. 5, 24-64 describe how data can be send to a client over the network from a server or storage or other clients.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabriel I. Garcia whose telephone number is (571) 272-7434. The Examiner can normally be reached Monday-Thursday from 7:30 AM-6:00 PM. The fax phone number for this group is (571) 273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist

Art Unit: 2625

whose telephone number is (571) 272-2600.

/Gabriel I Garcia/

Primary Examiner, Art Unit 2625

Gabriel I. Garcia
Primary Examiner
July 6, 2008